

ENTERED

June 18, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DIOGU KALU DIOGU II, LL.M., <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. 4:22-CV-03299
	§	
LAKELAND WEST CAPITAL 41, LLC, <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER

Before the Court are Plaintiffs' Motion to Withdraw Reference and Demand for Jury (Doc. #103) and Defendants' Response (Doc. #104). Plaintiffs contend that the Court should withdraw its referral of this case to the bankruptcy court because they demand a jury trial. *See* Doc. #103. Plaintiffs also state that they do not consent to referring the case to the bankruptcy court. *Id.* In 2023, Plaintiffs raised the same arguments in response to Defendants' motion to transfer the case to the bankruptcy court. Doc. #57 at 12. At that time, Magistrate Judge Sam Sheldon considered Plaintiffs' arguments and recommended that then-presiding Judge Andrew Hanen grant Defendants' motion to transfer. Doc. #61. Judge Sheldon noted that Plaintiffs' demand for a jury trial did not automatically require a withdrawal of the reference to the bankruptcy court. *Id.* at 6. In fact, Judge Sheldon concluded that withdrawal was "improbable." *Id.* at 7. Judge Hanen granted Defendants' motion to transfer on June 30, 2023, and referred the case to the bankruptcy court. Doc. #65.

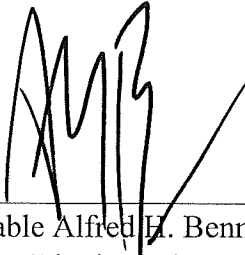
Considering this Court has already ruled overruled Plaintiffs' arguments regarding withdrawing the referral to the bankruptcy court (*see id.*), the Court DENIES Plaintiffs' Motion to

Withdraw Reference and Demand for Jury (Doc. #103). All other pending motions shall remain before Bankruptcy Judge Christopher Lopez.

It is so ORDERED.

JUN 18 2024

Date



The Honorable Alfred H. Bennett
United States District Judge